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T-118 P.006/008 F-442

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANTS: KAZUNNARI NAKAO, ET AL. EXAMINER: L. L. STOCKTON
SERIAL NO. : 09/977,621 ART UNIT : 1626
FILED : OCTOBER 15, 2001 PAPER NO. : 9
FOR : ARYL OR HETEROARYL FUSED IMIDAZOLE COMPOUNDS AS
ANTI-INFLAMMATORY AND ANALGESIC AGENTS

#11
A/Harm

12/14/02

Response to Restriction Requirement Under 35 U.S.C. 121 and 372

December 4, 2002

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated September 4, 2002, in which Restriction was required under 35 U.S.C. 121. A three-month extension of time accompanies this response.

Page 2 of the Office Action indicates that restriction to one of the following invention Groups is required:

- I. Claims 1-12 and 14, drawn to products of formula (I) wherein one of Y^1 , Y^2 , Y^3 and Y^4 is N and the remaining are either CH or C(L), classified in class 546, subclass 112+.
- II. Claims 1-12 and 14, drawn to products of formula (I) wherein Y^1 , Y^2 , Y^3 and Y^4 are each CH or C(L), classified in class 548, subclass 304.4+.
- III. Claims 1-7, 12 and 14, drawn to products of formula (I) not embraced by Groups I and II, classified in class 544, various subclasses.
- IV. Claim 13, drawn to a method of using the products of formula (I) wherein one of Y^1 , Y^2 , Y^3 and Y^4 is N and the remaining are either CH or C(L), classified in class 514, subclass 299+.

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- V. Claim 13, drawn to a method of using the products of formula (I) wherein Y^1 , Y^2 , Y^3 and Y^4 are each CH or C(L), classified in class 514, subclass 385+.
- VI. Claim 13, drawn to a method of using the products of formula (I) not embraced by Groups IV and V, classified in class 514, subclass 241+.
- VII. Claim 15, drawn to products of formula (II) wherein one of Y^1 , Y^2 , Y^3 and Y^4 is N and the remaining are either CH or C(L), classified in class 546, subclass 112+.
- VIII. Claim 15, drawn to products of formula (II) wherein Y^1 , Y^2 , Y^3 and Y^4 are each CH or C(L), classified in class 548, subclass 304.4+.
- IX. Claim 15, drawn to products of formula (II) not embraced by Groups VII and VIII, classified in class 544, various subclasses.
- X. Claim 16, drawn to products of formula (III) wherein one of Y^1 , Y^2 , Y^3 and Y^4 is N and the remaining are either CH or C(L), classified in class 546, subclass 268.1+.
- XI. Claim 16, drawn to products of formula (III) wherein Y^1 , Y^2 , Y^3 and Y^4 are each CH or C(L), classified in class 564, various subclasses.
- XII. Claim 16, drawn to products of formula (III) not embraced by Groups X and XI, classified in class 544, various subclasses.

Furthermore, pages 5-6 of the Office Action indicate that Applicants are required to elect a single disclosed species from the ultimately elected group.

→ Applicants hereby elect without traverse, invention Group I (Claims 1-12 and 14, drawn to products of formula (I) wherein one of Y^1 , Y^2 , Y^3 and Y^4 is N and the remaining are either CH or C(L)) for prosecution on the merits.

Applicants also hereby elect the compound 2-ethyl-4,6-dimethyl-1-(4-{2-[(4-methylphenyl)sulfonyl]amino}carbonyl)amino]ethyl}phenyl)-1H-imidazo[4,5-c]pyridine, Example 42, page 129 of the specification, as the single disclosed species according to pages 5-6 of the Office Action. Applicants believe that, within the elected invention Group I, Claims 1-12 and 14 are readable upon this elected single compound.

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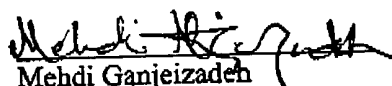
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The Commissioner is hereby authorized to charge any fees that may be required to Deposit Account 23-0455.

Respectfully submitted,

Dated: December 4, 2002


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